Remarks and Arguments

Claims 8 - 26 are pending. Claims 8, 14, 19, and 22 have been amended to more clearly and distinctly claim the subject matter that Applicants regard as their invention. No new matter is believed to be added by the present amendment.

Rejection of claims 8 – 26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 4,802,220 issued to Marker (hereinafter referred to as "Marker").

Claims 8 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Marker. Applicants respectfully traverse this rejection for at least the following reasons.

Marker pertains to a secure communication system and method for use in *"security equipment for terminal end user stations and to control equipment for defining message splitting routines in an integrated services digital network (ISDN)..."* (col. 1, lines 10-14). The system of Marker uses circuit-switched channels to transmit messages between user stations (col. 2, lines 23 – 27). The user stations have terminal adapters that effect bidirectional communication as well as provide message splitting and recombining functions in accordance with a particular message splitting routine (col. 2, lines 3 – 20). In addition, the terminal adapter can encrypt a message with random numbers based on a particular seed value (col. 11, lines 65-68). The message splitting routines and the seed values are stored in the terminal adapter (col. 12, lines 56-64; col. 13, lines 1-22).

A security code signal that defines the particular message splitting routine and seed value is transmitted on a separate packet-switched D-channel to both the originating and terminating user stations so that the message can be split or recombined in accordance with the particular splitting routine and encrypted or decrypted with the particular random number sequence (col. 2, lines 34 – 51, col. 7, lines 55 – 63, col. 14, lines 57-60).

Amended claim 8 recites in part:
> *" communicating the encrypted program signal via a first communications channel, the encrypted program signal being transmitted via first*

transport packets, each first transport packet having a first identifier associated with the program signal; and

communicating the plurality of encryption information portions via a second communications channel that is independent of the first communications channel, the encrypted information portions being transmitted via second transport packets, each second transport packet having a second identifier associated with the encryption information."

Amended claim 8 recites that the encrypted program signal is transmitted via packets, where each packet has an identifier that is associated with the program signal. In addition, amended claim 8 recites that the encryption information portions are transmitted via packets, where each packet has an identifier that is also associated with the encryption information. By using transport packets having identifiers associated with the program signal or encryption information, a receiver is able to find the packets on the separate channels using these identifiers (see paragraphs 007 and 008). The present system does not use of a particular splitting routine, as described in Marker, at either the transmitter or receiver.

The above-referenced features of amended claim 8 are not recited in Marker. By contrast, Marker uses a circuit-switched channel to transmit its message. This involves the use of terminal adapters at the transmitter and receiver user stations to enable a dedicated channel to transmit a message. The use of a dedicated channel in Marker differs from amended claim 8. In Marker, both the transmitter and receiver terminal adapters need to know the message splitting routine and the seed for the random number generation in order to transmit and receive the messages. Amended claim 8 recites the use of identifiers in the packets which is not found in Marker. In fact, the use of packets with identifiers alleviates the need for the terminal adapters in Marker.

Accordingly, amended claim 8 is not anticipated by Marker. The remaining independent claims 14, 19, and 22 recite the above-referenced features, and are believed to be patentably distinguishable over the cited reference for the same reasons as discussed with respect to amended claim 8. Furthermore, dependent claims 9 – 13, 15 – 18, 20 – 21, 23 - 26 recite the features of their respective

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Office Action Dated: 06/24/2009

independent claims and are not anticipated by Marker for the aforementioned
reasons.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of
the preceding amendments and remarks, this application stands in condition for
allowance. Accordingly then, reconsideration and allowance are respectfully
solicited.

It is believed that there are no additional fees due with regard to the filing of
this response. However if there is an additional fee due, please charge the fee, or
credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

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